

09/306,510  
YO999-097

3

### REMARKS

Claims 1-2, 4-16, and 18-20 are all the claims presently pending in the application.

Claims 3 and 17 have been canceled and their limitations combined with those of independent claims 1 and 15.

Entry of this §1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features were in the claims earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and is earnestly solicited. No new matter has been added.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version with markings to show changes made".

Claims 1, 4-7, 9-15, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chambers (U.S. Patent No. 4,881,061)(hereinafter "Chambers") in view of Schrott, et al. (U.S. Patent No. 5,739,754)(hereinafter "Schrott"), further in view of Yeadon (U.S. Patent No. 6,393,339)(hereinafter "Yeadon").

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chambers in view of Schrott, in view of Yeadon and further in view of Bacon (U.S. Patent No. 5,984,388)(hereinafter "Bacon").

These rejections are respectfully traversed in the discussion below.

09/306,510  
YO999-097

4

## I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed (e.g., see independent claim 1), is directed to a system (and method) for preventing theft of an object, which includes an electronic article surveillance (EAS) device operatively attached to an object, a security path for detection of the EAS device, a reader operatively coupled to the security path, and a smart card for being read by the reader. The smart card contains an identification profile of an authorized user of the object.

A feature of the present invention is that the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz. The low frequency tag is formed of a pattern of wires and strips that produce a predetermined harmonic field.

Another feature of the invention, as discussed in the Amendment filed on June 21, 2002, is that the excitation source, that would otherwise enable the EAS device (e.g., antitheft tag) to be operative at the gate, is turned off.

Independent claim 15 recites a somewhat similar method and a feature of a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, but with some different limitations.

With such unique and unobvious features and aspects of the invention, fast, reliable tracking of personnel carrying objects (computers) into/out of an area can be achieved. Further, a legitimate user can easily disable an interrogation device upon the presentation of suitable credentials (e.g., a smart card or the like).

Additionally, such a method and system are much more convenient than having the object (e.g., a computer) disabled and then having to reenable the computer upon recovery or if a mistake has occurred.

That is, with the invention, the disabling function is part of the interrogation path (e.g., gate). Thus, only the gate need be disabled and then subsequently reenabled, as opposed to the object (e.g., computer) itself. This disabling/reenabling of the gate significantly simplifies the antitheft problem.

Such features are not taught or suggested by any other prior art of record, either alone or in combination.

09/306,510  
YO999-097

5

## II. THE PRIOR ART REFERENCES

The Examiner asserts that:

*[Regarding claims 1 and 15] Chambers teaches a system for preventing the theft of an object (col.3 lines 5-7), comprising: an electronic article surveillance (EAS) device operatively attached to an object (col. 1 lines 41-42)*

*Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person (sic) entering the security path is authorized to remove the object.*

*Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user. Yeadon in an art related computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67 - col. 6 line 1). (emphasis Applicant's)*

*It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers as evidenced by Schrott et al. and Yeadon because Chambers suggests an antitheft system with the user using an identification card to gain access through a security gate and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Schrott et al. further teaches disabling of a security gate to allow an object to move pass the security gate without disabling the tag.*

However, Applicant respectfully disagrees and submits that the present invention would not have been obvious from the Examiner's urged combination of references. That is, none of the references either alone or (arguendo) in combination, teach or suggest an EAS device which

09/306,510  
YO999-097

6

comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, the low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field.

Firstly, the Examiner is attempting to somehow combine at least four references to arrive at the unique and novel features of the claimed invention.

As the Examiner admits above, Chambers is silent regarding a smart card with an identification profile of an authorized user and the disabling of the security gate if an authorized person enters the security path. Schrott is silent regarding a smart card containing an identification profile of an authorized user. The Examiner submits that Yeadon discloses a computerized stock control system. However, Yeadon also does not teach or suggest the present invention.

Further, the Examiner's assertion regarding the Schrott reference is completely erroneous.

That is, contrary to the Examiner's assertion that "Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate"(e.g., see page 3 of the Office Action), Schrott discloses "[a]dditional circuitry can be added to the logic 105 to make it possible to bypass the disabling mechanism so that the computer or electronic device can be moved past the disabling gate without disabling the device" (e.g., see column 5, lines 10-13).

Thus, in Schrott, contrary to the Examiner's assertions a security gate device is bypassed, not disabled.

Sensor  
is  
disabled  
isn't this  
effectively  
disabling the  
gate?

Specifically, as the Examiner admits on page 8 of the Office Action, Chambers, Schrott, and Yeadon do not teach or suggest an "EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field". The Examiner therefore relies upon Dames. However, the device of Dames "typically operate with alternating magnetic fields in the frequency range of 50 kHz to 1 MHz, and generally employ integrate electronic circuits" (e.g., see column 1, lines 33-35 of Dames). Thus, Dames, even if combined (arguendo) with the other three references, also does not teach or suggest the present invention. That is Chambers, Schrott, Yeadon, and Dames do not teach the low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz of the present invention.

I  
agree  
with  
app.

09/306,510  
YO999-097

7

Further, there would have been no reason or motivation to combine the references in the manner urged, absent hindsight reconstruction of Applicant's invention based on nothing more than a thorough reading of Applicant's own specification.

Thus, in complete and fundamental contrast with the Examiner's urged combination of prior art references, the claimed invention includes limitations that are not taught or suggested by the cited references. Additionally, none of the other applied references, either alone or in combination, makes up for the deficiencies of Chambers, Schrott, Yeadon, and Dames.

Turning to the claim language, there is no teaching or suggestion of independent claim 1 which recites "[a]system for preventing theft of an object, comprising:

*an electronic article surveillance (EAS) device operatively attached to an object;*

*a security path for detection of said EAS device;*

*a reader operatively coupled to said security path;*

*a smart card for being read by said reader, said smart card containing an identification profile of an authorized user of said object; and*

*a computer attached to said reader, said computer disabling a security gate if a person entering said security path is authorized to remove said object,*

*wherein said EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field* (emphasis Applicant's).

Further, there is no teaching or suggestion of independent claim 15 which recites "[a] method for preventing theft of an object, comprising:

*operatively attaching an electronic article surveillance (EAS) device to an object;*

*detecting said EAS device as said object traverses a security path;*

*operatively coupling a reader to said security path;*

*reading, by said reader, a smart card being presented to said reader as said object traverses*

*said security path, said smart card containing an identification profile of an authorized user of said object; and*

*attaching a computer to said reader, said computer disabling a security gate if a*

09/306,510  
YO999-097

8

*person entering said security path is authorized to remove said object,*

*wherein said EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field* (emphasis Applicant's).

For all of the reasons stated above, claims 1, 4-7, 9-15, and 18-20 of the claimed invention are fully patentable over the cited references.

Also, regarding claims 2 and 16 rejected under 35 U.S.C. § 103(a) as being unpatentable over Chambers in view of Schrott, in view of Yeadon and further in view of Bacon, even assuming (arguendo) that Chambers, Schrott, Yeadon and Bacon were combined, the claimed invention still would not have been produced. That is, for example, there is no teaching or suggestion of "*said EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field*", as defined by independent claims 1 and 15 and thus claims 2 and 16 when taken in combination with claims 1 and 15 define additional novel limitations.

Further, the other cited prior art of record has been reviewed, but it too even in combination with the applied references, fails to teach or suggest the claimed invention.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-2, 4-16, and 18-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

09/306,510  
YO999-097

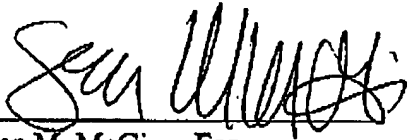
9

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,

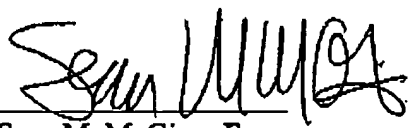
Date: 11/13/02

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Rd. Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254

  
Sean M. McGinn, Esq.  
Reg. No. 34,386

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Vernal U. Brown, Group Art Unit 2635 at fax number (703) 308-6743 this 13<sup>th</sup> day of November, 2002.

  
Sean M. McGinn, Esq.  
Reg. No. 34,386

09/306,510  
YO999-097

10

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**Claims 3 and 17 have been canceled without prejudice or disclaimer.**

**The claims have been amended as follows:**

- 1 1. (Amended) A system for preventing theft of an object, comprising:  
2 an electronic article surveillance (EAS) device operatively attached to an object;  
3 a security path for detection of said EAS device;  
4 a reader operatively coupled to said security path;  
5 a smart card for being read by said reader, said smart card containing an identification  
6 profile of an authorized user of said object; and  
7 a computer attached to said reader, said computer disabling a security gate if a person  
8 entering said security path is authorized to remove said object,  
9 wherein said EAS device comprises a low frequency tag having a frequency in a range of  
10 about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and  
11 strips that produce a predetermined harmonic field.
- 1 15. (Amended) A method for preventing theft of an object, comprising:  
2 operatively attaching an electronic article surveillance (EAS) device to an object;  
3 detecting said EAS device as said object traverses a security path;  
4 operatively coupling a reader to said security path;  
5 reading, by said reader, a smart card being presented to said reader as said object traverses  
6 said security path, said smart card containing an identification profile of an authorized user of  
7 said object; and  
8 attaching a computer to said reader, said computer disabling a security gate if a person  
9 entering said security path is authorized to remove said object,  
10 wherein said EAS device comprises a low frequency tag having a frequency in a range of



09/306,510  
YO999-097

11

- 11 about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and  
12 strips that produce a predetermined harmonic field.